BILL NO. Z-86-11-24

ZONING MAP ORDINANCE NO. Z-02-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-34.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the West Half of the Northwest Quarter of Section 20, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the Northeast corner of the West Half of the Northwest Quarter of said Section 20; thence S 90 degrees 00 minutes West (deed bearing and is used as the basis for the bearings in this description), on and along the North line of said Northwest Quarter, being within the right-of-way of St. Joe Center Road, a distance of 576.9 feet to the Northeast corner of Parker Cemetery, being a 2.4 acre tract with boundaries established in two deeds, both having been recorded in Deed Record 366, page 221 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 07 minutes West, on and along the East line of said Parker Cemetery, a distance of 325.5 feet to the most Southerly corner of said Parker Cemetery, being the true point of beginning of the herein described parcel; thence South 00 degrees 07 minutes West, on and along the Southerly projection of said East line of Parker Cemetery, a distance of 186.8 feet to the centerline of Schoppman Ditch; thence North 50 degrees 16 minutes 03 seconds West, on and along said Ditch centerline, a distance of 42.0 feet; thence North 72 degrees 06 minutes 35 seconds West, continuing along said Ditch centerline, a distance of 290.0 feet; thence North 51 degrees 18 minutes 30 seconds West (recorded North 50 degrees 06 minutes 30 seconds West), continuing along said Ditch centerline, a distance of 259.6 feet (recorded 264.3 feet) to a survey nail found at the point of intersection of said Ditch centerline with the centerline of St. Joe Road; thence North 37 degrees 12 seconds East (recorded North 37 degrees 20 seconds East), on and along said St. Joe centerline, as it presently exists, a distance of 133.7 feet (recorded 131.0 feet) to the most Westerly corner of said Parker Cemetery; thence South 41 degrees 26 minutes East (recorded South 40 degrees 15 minutes East), on and along the Southwesterly line of said Parker Cemetery a distance of 138.3 feet (recorded 142.4 feet)

to a steel post found at a Southerly corner of said Parker Cemetery; thence 74 degrees 28 minutes East (recorded South 74 degrees 27 minutes East), on and along the Southerly line of said Parker Cemetery, a distance of 351.8 feet to the true point of beginnning, containing 1.754 acres of land, subject to legal right-of-way for St. Joe Road, subject to a legal drainage easement for Shoppman Ditch and subject to all other easements of record

and the symbols of the City of Fort Wayne Zoning Map No. R-34, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

_____
Councilmember

APPROVED AS TO FORM AND LEGALITY:

_____
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Gerber seconded by Redd, and duly adopted, read the second ti by title and referred to the Committee Regulations (and the C Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wa Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,

DATE: 11-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury seconded by Eisbart, and duly adopted, placed on it passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 3-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-02-87 on the 24th day of March, 19 87,

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of March, 19 87 at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of March 19 87, at the hour of 3:00 o'clock P.M.,E.S.T.

WIN MOSES, JR., MAYOR

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. ____ DIGEST SHEET ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P 3-86-11-24

SYNOPSIS OF ORDINANCE 5810 St. Joe Road

EFFECT OF PASSAGE Property is presently zoned B-1-A - Limited Business & RA - Suburban Residential. Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain B-1-A - Limited Business & RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-86-11-24

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		

DETAILS

Specific Location and/or Address

5810 St. Joe Road

Reason for Project

Construct a quick change oil facility on the property.

Discussion (Including relationship to other Council actions)

17 November 1986 - Public Hearing

Neil Kobi, agent for St. Joe Realty, an Indiana General Partnership, stated that the property is inteded for a "built to suite" and "leased back to tenant" facility known as Indiana Lubricants commonly known as Jiffy Lube Inc. He stated they intend to construct a 2040 square foot building on the property if rezoned.

John Shoaff questioned if they were still burying in Parker Cemetery.

Mr. Kobi stated that it was still being used.

Mel Smith questioned how they intended to direct traffic in and out of the property safely.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Neil Kobi **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

Mr. Kobi stated they have already been told that this will be a right turn in and right turn out facility. He stated that there will be an unmountable median across the front of the site going south.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

24 November 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the developer providing a buffer or screening in a form to be approved by the CD&P Landscape Architect, along the property abutting the cemetery, motion carried.

Of the 7 members present six voted in favor of the motion one (1) did not vote.

NOTE: The condition placed upon the rezoning has been satisfied.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 14 October 1986

Projected Completion or Occupancy **Date** 10 March 1987

Fact Sheet Prepared by **Date** 10 March 1987

Patricia Biancaniello

Reviewed by **Date** 10 March 1987

Gary Baxter

Reference or Case Number

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

Ck# 1854

RECEIPT

№ 1143

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10-14 1986

RECEIVED FROM Summit City Investments $ 50.00

THE SUM OF fifty & 00/100 DOLLARS

ON ACCOUNT OF

5810 St Joe Rd

B-1-A & RA & B-1-B

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE OIL CHANGE FACILITY

I/We Neil H. Kobi et al
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1A + RA District to a/an B1B District the property described as follows:

Legal Description Attached

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 5810 St Joe Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Neil H. Kobi	1220 Korte Ln. Fort Wayne	Neil H. Kobi
Sabah Saud	4711 Winchester Rd. Fort Wayne	
John Roussel	8232 Chacapeta Pass Fort Wayne	John F. Roussel
Jack Ewing	616 E. Wayne Fort Wayne	Jack Ewing
Hugh Eshelman	RR 1 Kendallville, IN. 46755	Hugh Eshelman

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ar ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Neil H. Kobi	1220 Korte Lane Fort Wayne, IN. 46807	456-3482

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

ATTACHED WITH SURVEY

Owners of Property

(Name)	(Address)	(Signature)
Neil H. Kobi	1220 Korte Lane Fort Wayne, IN. 46807	Neil H. Kobi
Sabah Saud	4711 Winchester Road ~~Fort Wayne, IN. 46819~~	
John Roussel	8232 Chacapeta Pass Fort Wayne, IN. 46825	John F. Roussel
Jack Ewing	616 E. Wayne Fort Wayne, IN. 46802	
Hugh Eshelman	RR 1 Kendallville, IN. 46755	Hugh Eshelman

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

ZOHRAB K. TAZIAN, PE & LS
president
JERRY K. WALKER, PE & LS
vice-president

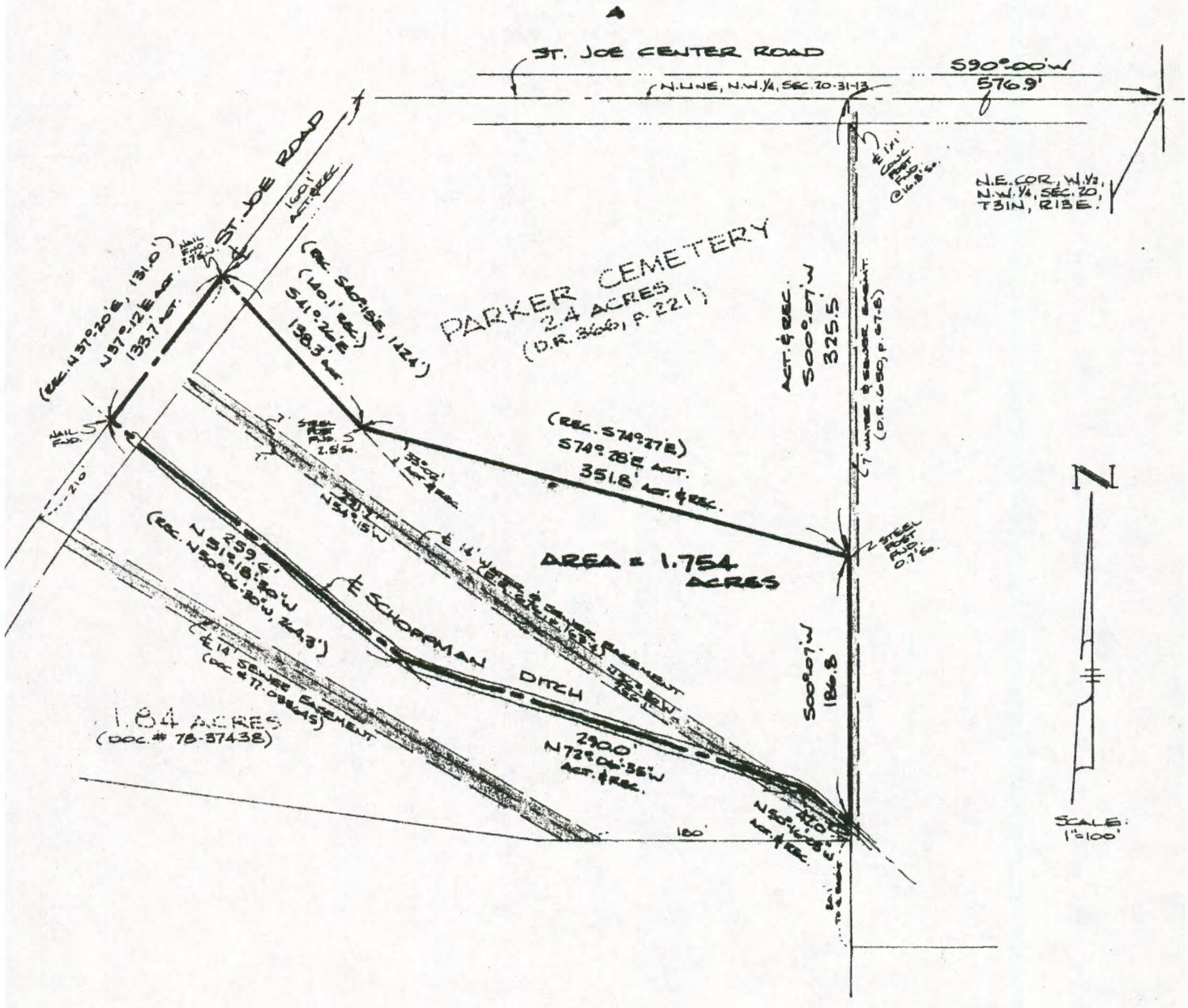
zktazian
ASSOCIATES, INC.
345 WEST WAYNE STREET
SUITE 202
FORT WAYNE, INDIANA 46802
PHONES: 219/424-3232
219/426-0003

CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

See Page 2 for Legal Description.



MONUMENTS FROM SURVEY JU-141 DATED 3-17-80.

I hereby certify on the 14th day of September, 19 83 that the above survey is correct.
Surveyed for: St. Joe Road Property (Tazian/Schenkel).
Survey No.: JU-141 "A"

Zohrab K. Tazian

ZOHRAB K. TAZIAN
REGISTERED
No. S0011
STATE OF INDIANA
LAND SURVEYOR

ZOHRAB K. TAZIAN, PE & LS
president
JERRY K. WALKER, PE & LS
vice-president

zktazian
CIVIL ENGINEERING SURVEYING LAND PLANNING
ASSOCIATES, INC.
345 WEST WAYNE STREET
SUITE 202
FORT WAYNE, INDIANA 46802
PHONES: 219/424-3232
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Commencing at the Northeast corner of the West Half of the Northwest Quarter of said Section 20; thence S 90°-00' W (deed bearing and is used as the basis for the bearings in this description), on and along the North line of said Northwest Quarter, being within the right-of-way of St. Joe Center Road, a distance of 576.9 feet to the Northeast corner of Parker Cemetery, being a 2.4 acre tract with boundaries established in two deeds, both having been recorded in Deed Record 366, page 221 in the Office of the Recorder of Allen County, Indiana; thence S 00°-07' W, on and along the East line of said Parker Cemetery, a distance of 325.5 feet to the most Southerly corner of said Parker Cemetery, being the true point of beginning of the herein described parcel; thence S 00°-07' W, on and along the Southerly projection of said East line of Parker Cemetery, a distance of 186.8 feet to the centerline of Schoppman Ditch; thence N 50°-16'-03" W, on and along said Ditch centerline, a distance of 42.0 feet; thence N 72°-06'-35" W, continuing along said Ditch centerline, a distance of 290.0 feet; thence N 51°-18'-30" W (recorded N 50° -06' -30" W), continuing along said Ditch centerline, a distance of 259.6 feet (recorded 264.3 feet) to a survey nail found at the point of intersection of said Ditch centerline with the centerline of St. Joe Road; thence N 37° -12'' E (recorded N 37° -20" E), on and along said St. Joe centerline, as it presently exists, a distance of 133.7 feet (recorded 131.0 feet) to the most Westerly corner of said Parker Cemetery; thence S 41° -26' E (recorded S 40° -15' E), on and along the Southwesterly line of said Parker Cemetery a distance of 138.3 feet (recorded 142.4 feet) to a steel post found at a Southerly corner of said Parker Cemetery; thence 74° -28' E (recorded S 74° -27' E), on and along the Southerly line of said Parker Cemetery, a distance of 351.8 feet to the true point of beginning, containing 1.754 acres of land, subject to legal right-of-way for St. Joe Road, subject to a legal drainage easement for Shoppman Ditch and subject to all other easements of record.

ZOHRAB K. TAZIAN
REGISTERED
No. S0011
STATE OF INDIANA
LAND SURVEYOR

I hereby certify on the 14th day of September, 19 83 that the above survey is correct.
Surveyed for: St. Joe Road Property (Tazian/Schenkel)
Survey No.: JU-141 "A"

Zohrab K. Tazian

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 25, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-11-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 17, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held November 24, 1987.

Certified and signed this
9th day of March 1987.

Robert Hutner
Secretary

BILL NO. Z-86-11-24

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. R-34

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ Do Pass

YES	NO
JANET G. BRADBURY, CHAIRPERSON	
CHARLES B. REDD, VICE CHAIRMAN	
THOMAS C. HENRY	
PAUL M. BURNS	
BEN A. EISBART	

CONCURRED IN 3-24-87.

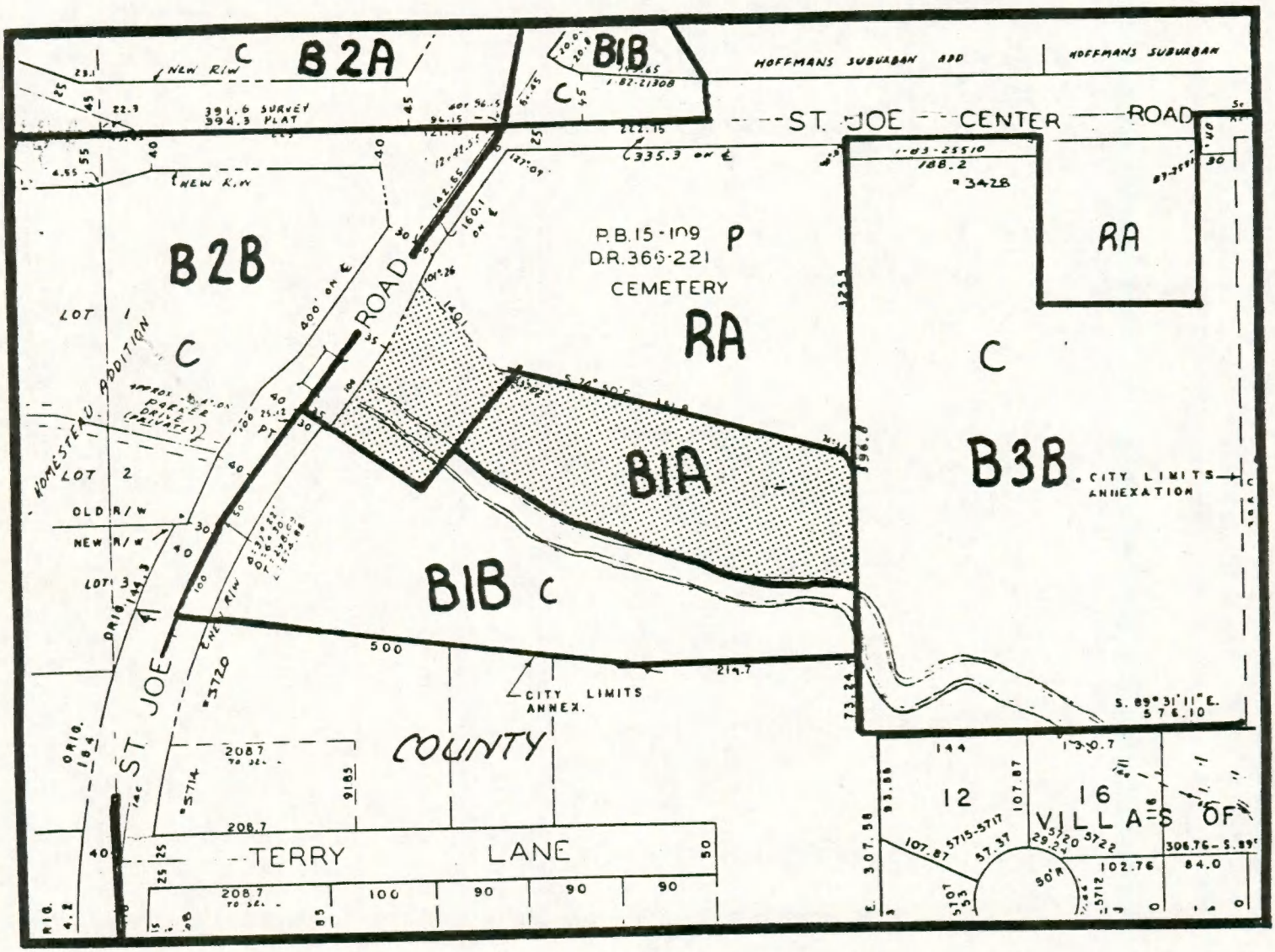
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #330

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B-1A AND R-A DISTRICT TO A B-1B DISTRICT.

MAP NO. R-34

COUNCILMANIC DISTRICT NO. 2



ZONING:

RA RESIDENCE 'A'
B1B LIMITED BUSINESS 'B'
B2A NEIGHBORHOOD SHOPPING CENTER
B2B COMMUNITY SHOPPING CENTER

LAND USE:

C COMMERCIAL
P PUBLIC

N